

## DECLARATION

XX ORIGINAL  
CONTINUATION  
CONTINUATION-IN-PART  
DIVISIONAL

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor (**Michael Benser and Gene A. Bornzin**) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## AUGMENTING HYPOVENTILATION

the specification of which:

XX is attached hereto.

was filed on \_\_\_\_\_ as U.S. Application No. \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 C.F.R., Section 1.56.

I hereby claim the benefit under 35 U.S.C., Section 119(e), of any U.S. provisional application(s) listed below.

(Application Serial No.)	(Filing Date)
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(Application Serial No.)	(Filing Date)
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I hereby claim the benefit under 35 U.S.C, Section 120, of any U.S. application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior U.S. application in the manner provided by the first paragraph of 35 U.S.C., Section 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R., Section 1.56, which became available between the filing date of the prior application and the national filing date of this application.

(Application Serial No.)	(Filing Date)	(Status)
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(Application Serial No.)	(Filing Date)	(Status)
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I hereby appoint the following attorney(s)/agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Steven M. Mitchell  
Reg. No. 31,857

Derrick Reed  
Reg. No. 40,138

Ronald S. Tamura  
Reg. No. 43,179

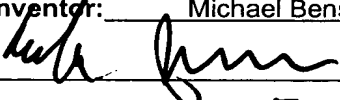
Jonathan T. Losk  
Reg. No. 39,755

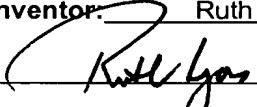
Peter A. Nichols  
Reg. No. 47,822

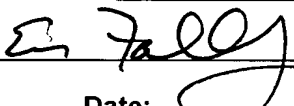
Address correspondence to: Derrick Reed, Esq.  
Pacesetter, Inc.  
15900 Valley View Court  
Sylmar, California 91392-9221

Direct telephone calls to: 818/493-2200

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Joint Inventor: Michael Benser  
Signature:   
Citizenship: US Date: Jan 23, 2004  
Residence: Valencia, California 91354  
Post Office Address: 24353 Astor Racing Court

Full Name of Joint Inventor: Ruth Lyons  
Signature:   
Citizenship: US Date: 1/23/04  
Residence: Glendale, California 91308  
Post Office Address: 1740 Don Carlos Avenue

Full Name of Joint Inventor: Eric Falkenberg  
Signature:   
Citizenship: US Date: 1/26/07  
Residence: Simi Valley, California 93065  
Post Office Address: 2820 Royal Hills Court

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Michael Benser; Ruth Lyons; and Eric Falkenberg

Serial No.: Unassigned Art Unit: Unassigned

Filing Date: Herewith Examiner: Unassigned

For: AUGMENTING HYPOVENTILATION

Docket No.: A04P1009

POWER OF ATTORNEY BY ASSIGNEE  
AND EXCLUSION OF INVENTOR UNDER RULE 37 CFR 3.71

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The undersigned Behzad Khosravi is a representative authorized to sign on behalf of the assignee of the entire interest in the above-identified subject application, **PACESETTER, INC.**, and hereby appoints:

Steven M. Mitchell	Derrick Reed	Ronald S. Tamura	Jonathan T. Losk	Peter A. Nichols
Reg. No. 31,857	Reg. No. 40,138	Reg. No. 43,179	Reg. No. 39,755	Reg. No. 47,822

as its attorneys/agents to prosecute this application and to transact all business in the United States with the provisions of Rule 32 of the Patent Office Rules of Practice.

**PACESETTER, INC.**, per 37 CFR 3.73(b), certifies that the evidentiary documents with respect to its ownership have been reviewed and that to the best of the undersigned's knowledge and belief, title is in the assignee seeking this action.

**PACESETTER, INC.**, declares that 100% ownership is established by the assignment


☒ filed for recordation herewith.  
☐ recorded in the U.S. PTO on \_\_\_\_\_.

a copy of which is attached.

Please direct all correspondence and phone calls relative to said application as follows:

Derrick Reed, Esq.  
Pacesetter, Inc.  
15900 Valley View Court  
Sylmar, CA 91392-9221  
818/493-2200

ASSIGNEE: **PACESETTER, INC.**

Signature:   
Typed Name: Behzad Khosravi  
Title: Vice President, Quality, IT & Leads Development  
Address: Pacesetter, Inc.  
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Sylmar, CA 91392-9221

Date: 1/23/2004